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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,851

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Shinobu Ozaki

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

EXAMINER

D'ANGELO, MICHAEL J

ART UNIT

PAPER NUMBER

3735

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,851	Applicant(s) OZAKI ET AL.	
	Examiner MICHAEL D'ANGELO	Art Unit 3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Receipt is acknowledged of applicant's amendment filed on May 4th, 2009.

Claims 1 and 6 have been cancelled. Claims 2-5, and 7-12 have been amended.

Claims 13 and 14 have been added. Claims 2-5, and 7-14 are pending and an action on the merits is as follows.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The addition of a body position or prandial relationship is not found within the originally filed specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-4, 7-9, and 11-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al. (US 2003/0060721) in view of Villa-Real (US 4,397,317) and further in view of Tampo et al. (US 6,726,632).

Regarding claim 13, Nakazawa discloses a blood pressure measuring means for outputting a blood pressure (abstract), a display for displaying pressure values (view figure 3), a plurality of user-identification keys where a users blood pressure is measured in response to manipulation of the key(s) (paragraph 99, buttons 505-510,

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the examiner notes that the limitation of a id keys does is an intended use limitation and does not limit the function of the keys), a memory having a plurality of regions (memory portions 25 and 15) which are addressed in response to the user keys (view figure 7, paragraph 106, lines 1-10, data file-40 can be considered a memory region which stores the data after pressing any one of the event or buttons 506 and 510 since after a measurement is taken it is recorded, as shown by figure 7 in the devices memory), but fails to disclose the user keys with light emitting means proximal to the key(s), an equal number of memory portions corresponding to the user keys, or light emitting means that light up while a pressure is being measured.

However, Villa-Real discloses a plurality of LED's (*LED gauge-2*) associated with the keys and LED's being lit that correspond to the keys while a blood pressure is being taken (column 6 lines 54-59).

7. It would have been obvious to one of ordinary skill in the art the time of the invention to modify the pressure monitor of Nakazawa with user keys with light emitting means proximal to the key(s) and light emitting means that light up while a pressure is being measured as taught by Villa-Real in order to provide easy visualization for the user that their pressure is being measured. The combination fails to disclose an equal number of memory portions corresponding to the user keys.

However, Tampo discloses an equal number of memory portions corresponding to users (column 6, lines 24-30, the examiner notes that a magnetic memory can be partitioned into any number of areas as desired. Therefor the memory device of Tampo can have an equal number of memory areas as that of the user keys of Nakazawa).

8. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a pressure monitor similar to that of Nakazawa, as modified by Villa-Real, with using an equal number of memory portions corresponding to the user keys as taught by Tampo in order to ensure that multiple patients data are not mixed.

Regarding claim 14, Nakazawa discloses a blood pressure measuring means for outputting a blood pressure (abstract), a display for displaying pressure values (view figure 3), a plurality of event keys where a users blood pressure is measured in response to manipulation of the key(s) (paragraph 104, lines 5-15a memory having a plurality of regions (memory portions 25 and 15) which are addressed in response to the user keys (view figure 7, paragraph 106, lines 1-10, data file-40 can be considered a memory region which stores the data after pressing any one of the event or buttons 506 and 510 since after a measurement is taken it is recorded, as shown by figure 7 in the devices memory)), but fails to disclose the event keys with light emitting means proximal to the key(s), an equal number of memory portions corresponding to the event keys, or light emitting means that light up while a pressure is being measured.

However, Villa-Real discloses a plurality of LED's (*LED gauge-2*) associated with the keys and LED's being lit that correspond to the keys while a blood pressure is being taken (column 6 lines 54-59).

9. It would have been obvious to one of ordinary skill in the art the time of the invention to modify the pressure monitor of Nakazawa with event keys with light emitting means proximal to the key(s) and light emitting means that light up while a pressure is being measured as taught by Villa-Real in order to provide easy visualization for the

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user that their pressure is being measured. The combination fails to disclose an equal number of memory portions corresponding to the user keys.

However, Tampo discloses an equal number of memory portions corresponding to users (column 6, lines 24-30, the examiner notes that a magnetic memory can be partitioned into any number of areas as desired. Therefor the memory device of Tampo can have an equal number of memory areas as that of the user keys of Nakazawa).

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a pressure monitor similar to that of Nakazawa, as modified by Villa-Real, with using an equal number of memory portions corresponding to the event keys as taught by Tampo in order to ensure specific event datum are not mixed in the memory.

Regarding claims 2 and 7, Nakazawa discloses a blood pressure measuring means starts measuring blood pressure when a user/event key is manipulated (paragraph 99, buttons 505-510 and paragraph 104, lines 5-15).

Regarding claims 3 and 8, Nakazawa discloses the display displaying previous stored values when a user/event key is manipulated (paragraph 31, paragraph 104, lines 11-15).

Regarding claims 4 and 9, Nakazawa discloses a power supply (battery-29), and supplying power in response to manipulation of a user/event key (paragraph 99, line 13, the examiner additionally notes that when any of the user or event keys is pressed the cuff takes a measurement and therefor the battery is supplying power to inflate the cuff).

Regarding claim 11, Nakazawa discloses the memory storing supplemental data including a measuring time (view figure 7, paragraph 106, lines 1-5).

11. Claims 5, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al. (US 2003/0060721) in view of Villa-Real (US 4,397,317) and further in view of Tampo et al. (US 6,726,632) and Hickie et al. (US 2003/0135087).

Regarding claims 5 and 10, Nakazawa as modified by Villa-Real and Tampo discloses a plurality of LED's (*LED gauge-24*) associated with the user/event keys, but fails to disclose that they are of different colors.

However, Hickie et al discloses different colored LED's (paragraph 69, lines 25-29)

12. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a pressure monitor similar to that of Nakazawa, as modified by Villa-Real and Tampo, with using different color lights in order to allow the user to more easily identify which mode is being used.

Regarding claim 12, Nakazawa as modified by Villa-Real and Tampo discloses a time measuring means (timer-26 of Nakazawa) for displaying a date and time (view figure 7), but fails to disclose measuring the time where the lights correspond to a present time.

However, Hickie et al discloses emitting light that corresponds to a current time (paragraph 142 lines 1-5).

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a pressure monitor similar to that of Nakazawa, as modified by Villa-

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Real and Tamp, with incorporating making the LED's emit light based on the present time as taught by Hickle in order to ensure that the user is aware of the time of the measurement.

Response to Arguments

14. Applicant's arguments with respect to claims 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

15. The examiner notes that as currently written "a plurality of individual user identification keys" is being treated as any key that has the ability to identify something for a user. Therefor the keys of Nakazawa as cited above provide user information. The function of the keys being user to identify different users is intended use as currently written. If the claim was rewritten to say that a first user button corresponds to a first user data, and a second user button corresponds to a second user...etc then the prior art of record would no longer meet the limitation of a plurality of user identification keys.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL D'ANGELO whose telephone number is (571) 270-7112. The examiner can normally be reached on Monday-friday 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert L. Nasser Jr/

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Primary Examiner, Art Unit 3735

/M. D./
Examiner, Art Unit 3735